

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

COURT FILED  
RE JUN - 4 2018  
U.S. DISTRICT COURT  
DISTRICT OF DELAWARE

**UNITED STATES OF AMERICA AND  
STATE OF DELAWARE, EX REL.  
WEIH CHANG,**

**Plaintiffs,**

**V.**

**CHILDREN'S ADVOCACY CENTER OF  
DELAWARE,**

**Defendant.**

**C.A. No. 15-442-GMS**

## **PLAINTIFF'S MOTION FOR RECONSIDERATION**

1. Pursuant to Federal Rule of Civil Procedure 59, Relator Chang respectfully requests that the Court alter or amend orders granting Governments' Motions to Dismiss, which were entered on May 14, 2018.

2. A motion for reconsideration brought under Rule 59(e) may only be granted in very narrow circumstances: (1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice.

3. Rule 59 motions are not justified by a party's mere disagreement with the court's ruling as the Rule is not intended to give the losing party's attorney a second bite at the apple.

4. As stated in Motion for Leave to File 2nd Amended Complaint contemporaneously filed with the Court, and as repeated below, Relator Chang agrees with Government movants that Relator is entitled to a hearing prior to orders granting Governments' Motions to Dismiss, pursuant to 31 U.S.C. § 3730(c)(2)(A).


5. The United States acknowledged in its motion that "...the qui tam plaintiff must be given a hearing..." See #47 Page 8 Line 3.

6. Delaware argued in its motion that "...the Court must provide Chang with an opportunity to be heard on the State's motion before the dismissal is ordered." See DI#49 Page 1.

7. With the above-stated consensus from governments, Relator would argue that absence of a hearing is a clear error under 31 U.S.C. § 3730(c)(2)(A) and the error prevented new evidence from being presented to the Court for grounds to grant Relator leave to amend.

8. Relator would argue further that, after the Court issued two opinions favorable to Relator (DI #30 and #38), and because the Court did not attach an opinion in granting Governments' Motions to Dismiss, the review for appeal will become inadequate to the Third Circuit since the lower court provided no analysis or reasons for its May 14, 2018, decision that effectively reversed its two previous decisions.

9. For the reasons stated above, Relator respectfully requests that the Court grant Motion for Reconsideration.

  
Weih (Steve) Chang  
122 Pumpkin Patch Lane  
Hockessin, DE 19707  
(302) 494-9992

DATE: June 4, 2018

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DISTRICT OF DELAWARE  
2018 JUN -4 AM 9:36

## NOTICE OF MOTION

PLEASE TAKE NOTICE that Relator Chang will present the within motion to be heard at the convenience of the court.

  
Weih (Steve) Chang  
122 Pumpkin Patch Lane  
Hockessin, DE 19707  
(302) 494-9992

**DATE: June 4, 2018**



**CERTIFICATE OF SERVICE**

CA NO. 15-442-GMS


I hereby certify that on June 4, 2018, I served a copy of the foregoing Motion for Reconsideration document upon the following parties listed below by email.

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**DATED: June 4, 2018**